

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

BLACK LOVE RESISTS IN THE RUST, *et al.*,
individually and on behalf of a class of all others
similarly situated,

Plaintiffs,

v.

CITY OF BUFFALO, N.Y., *et al.*,

Defendants.

No. 1:18-cv-00719-CCR

DECLARATION OF SHIRLEY SARMIENTO

Shirley Sarmiento declares, under penalty of perjury and pursuant to 28 U.S.C. § 1746:

1. My name is Shirley Sarmiento. I am one of the Plaintiffs in this action.
2. I make this declaration in support of Plaintiffs' Motion for Class Certification.
3. I am a Black, life-long resident of Buffalo.
4. I have been retired for over a decade, and Social Security is my only income.

Before I retired I worked as a social worker for the Learning Disabilities Association.

5. I live in the Marine Drive Apartments, which is a Buffalo Municipal Housing Authority property. I have lived here for over forty years.

6. BMHA has a private parking lot that is restricted to residents only. It requires residents to have parking permits for overnight parking. I have maintained a valid parking permit, allowing me to park my car in the Marine Drive Apartments parking lot overnight.

7. I routinely have my car inspected. In the past, when it failed an inspection and I did not have the money to pay for repairs, I kept my car parked in the BMHA parking lot until I had enough money to pay for the repairs.

8. I received several tickets for an expired inspection sticker while my vehicle was parked overnight in the BMHA parking lot. Specifically, I received tickets on or around:

- a. November 5, 2016
- b. November 11, 2016
- c. November 12, 2016
- d. March 2018
- e. March 2019

9. The excessive tickets I received forced me to park my car overnight at a friend's garage. I believe that BPD's excessive ticketing was a tactic used to make money for the City.

10. In addition to my negative experiences with BPD ticketing my parked car, I have witnessed BPD operating Checkpoints on two occasions in Buffalo's East Side.

11. In order to avoid these Checkpoints, I had to re-route my travel. Avoiding Checkpoints added travel time to my trips.

12. I believe the Checkpoints were a form of racial discrimination, because the BPD only stopped Black people. I knew the BPD was discriminating against Black people, and it made me feel horrible. When I went to traffic court, I only saw Black people, which is another observation that made me feel the City was discriminating against Black people.

13. I understand that this case is a proposed class action.

14. I am willing to serve as a representative for the Traffic Enforcement Class on behalf of myself and other people whose facts and circumstances are similar to mine. I understand that the Traffic Enforcement Class is seeking a court order declaring the City of Buffalo's traffic enforcement practices unlawful and ordering the City to change its practices.

15. I understand that as a class representative, I have a responsibility to participate actively in the litigation. I am represented in this lawsuit by lawyers from the National Center for

Law and Economic Justice, the Center for Constitutional Rights, the Western New York Law Center, and Covington & Burling LLP. Since joining this lawsuit, I have communicated regularly with my counsel, kept informed of the progress of the case, reviewed and approved the Complaint and Amended Complaint (primarily the paragraphs that describe my experiences), participated in written discovery, sat for a deposition and talked with my counsel about what I think a fair resolution of this case would be.

16. I understand that as a class representative I have a responsibility to protect the interests of the entire class, not just my own interests, and to ensure that my counsel prosecutes the case vigorously and in the interest of all class members. I agree to fulfill my responsibilities as a class representative.

Dated: May 16, 2024


Shirley Sarmiento